

# Notice of Allowability

Application No.

10/786,501

Examiner

Hong Sang

Applicant(s)

ACTON, SUSAN L.

Art Unit

1643

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/07.
2. ☒ The allowed claim(s) is/are 55-60 and 62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**LARRY R. HELMS, PH.D.**  
SUPERVISORY PATENT EXAMINER

Hong Sang, Ph.D.  
Art Unit 1643  
April 24, 2007

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan Hamm on 4/24/07.

The application has been amended as follows:

Claim 62, which drawn to a method for detecting a polypeptide using the antibody of claim 55, was rejoined with the product claims. The claims have been amended as follows:

55. (Currently amended): An isolated antibody, or ~~portion~~ an antigen binding fragment thereof, that specifically binds to a polypeptide selected from the group consisting of:

- a) the polypeptide comprising the amino acid sequence of SEQ ID NO:8; and
- b) the polypeptide encoded by the nucleic acid molecule of SEQ ID NO:7 or 9.

56. (Currently amended): The antibody, or ~~portion~~ an antigen binding fragment thereof, of claim 55, wherein said antibody is selected from the group consisting of:

- i) a monoclonal antibody;
- ii) a polyclonal antibody;
- iii) a humanized antibody;

- iv) a chimeric antibody; and
- v) a murine antibody.

57. (Currently amended): The antibody, or ~~portion~~ an antigen binding fragment thereof, of claim 55, wherein said ~~portion~~ antigen binding fragment is a F(ab) fragment or a F(ab')<sub>2</sub> fragment.

58. (Currently amended): The antibody, or ~~portion~~ an antigen binding fragment thereof, of claim 55, wherein said antibody or said antigen binding fragment binds to amino acid residues 5-164 of SEQ ID NO:8.

59. (Currently amended): The antibody, or ~~portion~~ an antigen binding fragment thereof, of claim 55, wherein said antibody or said antigen binding fragment is detectably labeled.

60. (Currently amended): The antibody, or ~~portion~~ an antigen binding fragment thereof, of claim 59, wherein the detectable label is selected from the group consisting of:

- a) enzymes;
- b) prosthetic groups;
- c) fluorescent materials;
- d) luminescent materials;
- e) bioluminescent materials; and

f) radioactive materials.

62. (Currently amended): A method for detecting the presence of a polypeptide selected from the group consisting of:

- a) the polypeptide comprising the amino acid sequence of SEQ ID NO:8; and
- b) the polypeptide encoded by the nucleic acid molecule of SEQ ID NO:7 or 9;

in a sample comprising:

- i) contacting the sample with an antibody or an antigen binding fragment of claim 55 which selectively binds to the polypeptide; and
- ii) determining whether the antibody or the antigen binding fragment binds to the polypeptide in the sample to thereby detect the presence of the polypeptide in the sample.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Sang whose telephone number is (571) 272 8145. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry R. Helms can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hong Sang, Ph.D.  
Art Unit 1643  
April 24, 2007



LARRY R. HELMS, PH.D.  
SUPERVISORY PATENT EXAMINER